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HARYANA GOVT GAZ. JULY 29, 1980 (SRVN. 7, 1902 SARA)
No. 11(112)-80-3-Lab/7808.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. The Indure Malleable and Alloy Castings Private Ltd., Mathura Road, Faridabad.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 316 of 1979

Between

Shri Shyam Lal Workman and the management of M/s. The Indure Malleable and Alloy Castings Private Ltd., Mathura Road, Faridabad.

Present.—Shri P.K. De for the Workman.
Shri D.C. Bhardwaj for the management.

AWARD

1. By Order No. 42589, dated the 26th September, 1979 the Governor of Haryana referred the following dispute between the management of M/s. The Indure Malleable and Alloy Castings Private Ltd, Mathura Road, Faridabad and its workman Shri Shyam Lal to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Dispute Act, 1947 :—

“Whether the retrenchment of Shri Shyam Lal was justified and in order ? If not, to what relief is he entitled?”

2. The parties put in their appearance in response to the usual notices. It is not necessary to go into the merits of the case, as an amicable settlement has been arrived at between the parties. According to the settlement the workman has received a sum of Rs. 951.35 in full and final settlement of all his dues, dispute and claims including the right of his reinstatement. The settlement is Ex. M-1. and receipt is Ex. M-2 and M-3 while answering the reference I give my award in terms of the settlement, settlement is just and fair.

The 3rd June, 1980.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 503, dated the 4th June, 1980.

Forwarded (Four Copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under Section 15 of the Industrial Dispute Act, 1947.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 16th June, 1980.

No. 11 (112)-80-3-Lab/7961.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Pratap Steel Rolling Mills Private Limited, Sector-25, Ballabgarh.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 344 of 1979

Shri Santokh Singh workman and the management of M/s. Partap Steel Rolling Mills Private Limited, Sector-25, Ballabgarh.

Present.—Shri P.K. De for the workman.
Shri K.P. Agrawal for the management.

AWARD

1. By order No. 63-67/49703, dated 23rd November, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Partap Steel Rolling Mills Private Limited, Sector-25, Ballabgarh and its workman Shri Santokh Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of Sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Santokh Singh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 11th February, 1980.—

- (1) Whether the workman left his job of his own by remaining absent ?
- (2) If issue No. 1 is not proved, whether the termination of services of the workman was justified and in order ?
- (3) Relief.
- (4) Whether the dispute required espousal ?
- (5) What is the effect of non-espousal of the dispute ?

And the case was fixed for the evidence of the management. The management examined Shri Subhash Chander Malik their Time Office Incharge as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as MW-1 and Shri Bakhshish Singh as WW-2 and closed his case. Then the case was fixed for arguments. Arguments were heard. I now give my finding issues-wise :—

Issues No. 4 and 5.—These issues were not presented by the parties. Therefore, these issues, are decided accordingly.

Issue No. 1.—MW-1 stated that the workman absented from 7th May, 1979. A registered letter Ex. M-2, dated the 11th May, 1979 was sent to the workman asking him to resume duty with immediate effect. Letter Ex. M-2 dated 11th May, 1979 was sent on two separate addresses given by the workman on his appointment letter Ex. M-1. The postal receipts Ex. M-3 and M-4 were produced. He further stated that another call letter Ex. M-5 was sent to him at his two addresses, vide postal receipt Ex. M-6 and M-7. A call letter Ex. M-8 was again sent to him,—vide postal receipts Ex. M-9 and M-10. Despite these letters the workman did not turn up for his duty. In cross examination MW-1 stated that the management had received medical certificate from the workman before 7th May, 1979 but the workman did not turn up with fitness certificate. In these circumstances his name was dropped from 21st July, 1979.

3. The workman examined himself as WW-1 and stated that he had fallen sick on 30th April, 1979 and he sent medical certificate on 3rd May, 1979 and 7th May, 1979. He also produced copies of medical certificates and postal receipts Ex. W-1 to W-8. In cross examination he admitted that his address on Ex. M-5 and M-8 were correct. He also admitted that he did not go to his duties upto 20th July, 1979. WW-2 stated that he took medical certificate of the workman in the factory in April, 1979 but the management refused to accept the same. In cross examination he stated that he was an ex-employee of this factory and his case against the management was pending before the Labour Court. He also admitted that he did not take medical to the General Manager of the factory after refusal by the Time Keeper.

4. The representative for the management cited clause 16(4) of the Standing Orders Ex. M-14. The clause runs as under :—

If the workman remains absent without sanctioned leave or beyond the period of leave originally granted or subsequently extended he shall loose his lien on his appointment unless (a) He returns within 10 days of the commencement of the absence or the expiry of the leave and (b) explains to the satisfaction of the Manager the reason of his absence or his inability to return on the expiry of the leave, as the case may be.

4. This is a case of over staying beyond the period of sanctioned leave of the workman and his name being discontinued after the period stipulated in the Standing Orders. The management tried to call the workman to his duty by posting registered letters. Therefore, issue No. 1 is decided against the workman.

Issue No. 2.—As issue No. 1 has been decided against the workman and action taken by the management by issuing him call letters for joining his duty, I find no malafide in dropping the name of the workman from the rolls. Therefore, this issue is decided in favour of the management.

Issue No. 3.—The workman is not entitled to any relief.

5. While answering the reference, I give my award that the management did not terminate the services of the workman, rather he left his job of his own by remaining absent. He is not entitled to any relief.

Dated the 5th June, 1980.

M. C. BHARDWAJ,

Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

No. 521, dated the 7th June, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,
Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

No. 11(112)-80-3 Lab/7962.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Ametee Machine Tools Private Limited, Mathura Road, Faridabad.

BEFORE SHRI, M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 245 of 1979

between

SHRI PARKASH SUNNY, WORKMAN AND THE MANAGEMENT OF M/S AMETEEP
MACHINE TOOLS, PRIVATE LIMITED, MATHURA ROAD, FARIDABAD

Present.—Shri P. K. De, for the workman.
Shri K.P. Agarwal, for the management.

AWARD

By order No. 91-79/34418, dated 6th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s Ametee Machine Tools Private Limited, Mathura Road, Faridabad and its workman Shri Parkash Sunny, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :

“Whether the termination of services of Shri Parkash Sunny was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 29th October, 1979 :—

- (1) Whether the resignation was obtained by force or coercion ?
- (2) If issue No. 1 is proved whether the termination of services of the workman was justified and in order ?
- (3) Relief.
- (4) Whether the dispute is covered under section 2(A) of the Industrial Disputes Act ? If not, whether the dispute has been validly and legally raised ?

And the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for the evidence of the management. The management examined Shri D.S. Chauquary, their Personnel Officer, as MW-1 and closed their case. Then the case was fixed for arguments. Arguments were heard. I now give my findings issuewise :—

Issue No. 1.—WW-1 the concerned workman stated that he did not submit any resignation. It was procured by force on 17th May, 1979. He reported to the union office and to the Labour Inspector copy Ex. W-1. In cross-examination he admitted that resignation Ex. M-1 was in his hand. He knows Hindi. He further stated that it was written in the office of Shri Amrit Lal Engineer at his instance in the presence of the Director at about 12.40 p.m. He further stated that the Personnel Officer had threatened him that he would shoot him. He further stated that he did not know whether there was any arm or stick with them and that he made a report in the union office as well as to the police station. He stated that there were about 300 to 350 workers in the factory and all were members of the union. He could not tell if the police made any investigation or not.

3. MW-1 Shri D.C. Chaudhary stated that the workman submitted his resignation on 17th May, 1979 at about 12.40 p.m. The workman had brought the resignation to him duly accepted by Shri R.C. Rangin Head of the Department. He produced photostat copy of the resignation Ex. M-1. He further stated that he had asked the workman to go to the Production Planning Executive for getting his signatures on Ex. M-1, whose signature appeared on it at point A. He further stated that he told his clerk to get the acceptance noted by the workman and his signatures in Hindi and English appear on Ex. M-1 in token of its acceptance. He stated that the Cashier was asked by him to pay off the workman and to recover one month's salary as notice pay. He stated that on 17th May, 1979 Shri Ram Pal Singh Vice President was present in the factory and that no threat of any type was given to the workman for procuring his resignation. He stated that the resignation was submitted by the workman voluntarily. He admitted that he was an Ex-serviceman and had a licenced Revolver but he did not keep the same in his office.

The representative for the management argued that this is a case of voluntary resignation and the dispute did not fall under section 2A of the Industrial Disputes Act. The workman had accepted the contents of his resignation letter which was in his own hand and who had not able to prove that the resignation was given by him under threat. Intimidation of the kind alleged by the workman is a substantive offence under the Indian Penal Code. Moreover the workman had not made any allegation as to why the management resorted to such an extreme step. It seems he had a second thought over his resignation and made bald allegation of intimidation. There was no investigation by the police either. In the circumstance, I decide issue No. 1 against the workman that resignation was not obtained by force and it was of his own.

Issue No. 2.—In the light of my findings on issue No. 1 this issue becomes redundant.

Issue No. 4.—In view of my findings on issue No. 1 that the resignation was voluntary the present dispute is not a case of discharge, dismissal, retrenchment or otherwise termination of services. Therefore, this issue is also decided against the workman.

Issue No. 3.—The workman is not entitled to any relief.

5. While answering the reference, I give my award that the workman gave his resignation of his own and it is not a case of termination of services by the management. Therefore, the workman is not entitled to any relief.

Dated the 6th June, 1980.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal Haryana, Faridabad.

No. 526, dated the 7th June, 1980.

Forwarded (four copies) to the Secretary to Government Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

(Sd.) M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 11(112)-80-3 Lab/7981.—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Sunita Sulting and Fabrics Private Limited, Sector-6, Faridabad.

**BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 330 of 1979

between

**SHRI HOM BAHADUR, WORKMAN AND THE MANAGEMENT OF M/S SUNITA SUITING
AND FABRICS PRIVATE LIMITED, SECTOR-6, FARIDABAD**

Present.—Shri P.K. De, for the workman.

Shri B.R. Grover, for the management.

AWARD

1. By order No. 89-79/94907, dated 22nd October, 1979, the Governor of Haryana referred the following dispute between the management of M/s Sunita Sulting and Fabrics Private Limited, Sector-6, Faridabad and its

workman Shri Hom Bahadur, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Hom Bahadur was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The management filed written statement and the case was fixed for filing rejoinder. On the next date the representative for the management stated that the workman had taken his full and final settlement—*vide* receipt Ex.M-1 signed by the workman. The representative for the workman sought time to verify the factum of the settlement. On the date fixed for verification the representative for the management made a statement regarding the settlement and payment to the workman. The representative for the workman could not deny the factum of the settlement. I, therefore, give my award that the dispute has been settled and the workman has taken his full and final accounts from the management. The workman is not entitled to any relief.

Dated the 10th June, 1980.

M.C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endst. No. 536, dated the 11th June, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 16 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-80-3 Lab/7982.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Y.M.C.A. Institute of Engineering, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 323 of 1979

between

SHRI C.C.S. MENON, WORKMAN AND THE MANAGEMENT OF M/S Y.M.C.A. INSTITUTE
OF ENGINEERING, FARIDABAD

Present :—

Shri Pradeep Sharma, for the workman.

Shri K. P. Agrawal, for the management.

1. By order No. 81-79/43320, dated 9th October, 1979 the Governor of Haryana referred the following dispute between the management of M/s Y.M.C.A. Institute of Engineering, Faridabad and its workman Shri C.C.S. Menon, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri C.C.S. Menon was justified and in order ? If not, to what relief is he entitled ?”

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 7th December, 1979 :—

1. Whether the Y.M.C.A. is an Industry as per the Industrial Disputes Act?

(2) Whether the termination of services of Shri C.C.S. Menon was justified and in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the workman. Three adjournments were given to the workman for his evidence and on the next date none was present for the workman. The case was dismissed in default. I therefore, give my award that there is no dispute between the parties at present.

M.C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Dated the 10th June 1980.

Endst. No. 535, dated 11th June, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.